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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,543	07/10/2003	H. Alexander Munroe II	5607-003	2813
25184	7590	02/22/2006	EXAMINER	
WILLIAM J. MASON MACCORD MASON PLLC POST OFFICE BOX 1489 WRIGHTSVILLE BEACH, NC 28480			WATKINS III, WILLIAM P	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,543

Applicant(s)

MUNROE, H. ALEXANDER

Examiner

William P. Watkins III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-13,17-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-13, 17-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. The rejections using Lindholm and Brewer in sections 7 and 8 in of the office action mailed 09 August 2005 are withdrawn in view of applicant's amendments to the claims filed 09 December 2005.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 5, 7-13, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery, Sr. (U.S. 6,718,714 B1) in view of Betz (U.S. 5,587,218).

Montgomery, Sr. teaches warning tactile floor tile with bevels and screw holes for easy installation on a rigid support surface with a pattern of domes and raised strips that meets ADA standards or aide in guidance (abstract, Figure 3, Figure 16, col. 1, lines 50-60, col. 2, lines 25-40). Betz teaches the use

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of a sheet which may be made of a flexible material such as rubber that has grooves to allow changes in indicia and dome structure in order to meet ADA tactile standards, that is secured to a rigid backing (col. 2, lines 40-60, abstract, Figure 4, col. 3, lines 15-30, col. 6, lines 5-30, col. 1, lines 45-55). The instant invention claims the use of a floor mat that can be rolled with tactile projections, screw holes and beveled edges. It would have been obvious to one of ordinary skill in the art to have made the tiles of Montgomery, Sr. out of a flexible sheet material with grooves in order to allow variation in indicia and dome configuration because of the teachings of Betz. The examiner takes the flexible sheet material of Betz as being capable of being transported in roll form. Betz teaches rubber and other materials for use in flexible sheet structures (col. 1, lines 45-55). Variation in the size of the flexible sheet of the combination is taken as being within the ordinary skill of the art.

4. Claims 6 and 17-19 and 21 are rejected under 35

U.S.C. 103(a) as being unpatentable over Montgomery, Sr. in view of Betz as applied to claims 1, 3-5 and 7-16 above, and further in view of Koski (U.S. 5,010,122).

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Koski et al. teach using recycled tire cord and rubber as a material to mold floor mats (abstract, col. 3, lines 30-40, col. 5, lines 40-50). The instant invention claims a flexible warning mat made of recycled tire cord. It would have been obvious to one of ordinary skill in the art to have made used recycled tire material in the mat of Montgomery, Sr. in view of Betz in order to have the cost and environmental advantages of recycled material because of the teachings of Koski et al.

5. Applicant's arguments filed 09 December 2005 have been fully considered but they are not persuasive.

Applicant argues that there is no teaching of horizontal rows and vertical columns of raised domes or of aligned and spaced holes for installation of anchors. The raised domes of Montgomery, Sr. as shown in such as Figures 1, 3, and 4 are clearly aligned in horizontal rows and vertical columns. The anchors of Montgomery, Sr. such as elements 94 in Figures 16 and 9 are screws, which pass through holes in the mat. These holes are aligned and spaced along the edges of the mat and serve as guides for the screws. Montgomery, Sr. teaches raised bars (col. 2, lines 35 through 40), which can be considered as raised strips. Betz also teaches grooves which define strips which

protrude from the surface defined by the bottom of the grooves. Thus all limitations argued by applicant are taught by the combination of the references.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William

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P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WW/ww

February 20, 2006

**WILLIAM P. WATKINS III
PRIMARY EXAMINER**